



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Development Review Committee &
Townshley Schwab, Senior Director of Planning & Environmental Resources

From: Steven Biel, Senior Planner
Joseph Haberman, AICP, Planning & Development Review Manager

Date: June 19, 2012

Subject: *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ESTABLISHING MONROE COUNTY CODE SECTION 130-102, HORSES AND OTHER LIVESTOCK, TO ESTABLISH REGULATIONS RELATED TO THE KEEPING OF HORSES AND OTHER LIVESTOCK IN MONROE COUNTY, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.*

Meeting: June 26, 2012

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2 I REQUEST
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4 The Planning & Environmental Resources Department is proposing an amendment to the
5 Monroe County Code by establishing §130-102 of the Monroe County Code, which would
6 establish regulations related to the keeping of horses and other livestock on property in
7 unincorporated Monroe County.
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9 II RELEVANT PRIOR COUNTY ACTIONS:
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11 None.
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13 III REVIEW
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15 The Planning & Environmental Resources Department regularly receive inquiries related to
16 horses. The most common inquiries are from property owners who want to keep their
17 personal horses on their properties. Other inquiries are from property owners who want to
18 establish commercial stables on their properties.
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20 Currently, the Land Development Code and Comprehensive Plan do not contain any
21 provisions directly related horses and livestock. Horses have been allowed or prohibited by
22 administrative interpretations of planning directors.
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Horses are a type of animal defined within the definitions of animal and livestock in MCC §4-1:

Animal means any living dumb creature, including any mammal, bird, fish, reptile, ferret, turtle, horse, mollusk, crustacean, or any other vertebrate other than a human being.

Livestock means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennies, burros, goats, kids, swine, and any other fur-bearing animals being raised in captivity, including those other animals recognized by the department of agriculture as being within the jurisdiction of its department.

However, MCC §4-76, which pertains to the keeping of wild animals and livestock, does not specifically address horses and does not directly explain where such animals may be kept. MCC §4-76(a) states:

Zoning. No livestock, such as cows, goats, sheep or pigs, barnyard animals such as chickens, ducks, rabbits or geese, shall be kept either penned or loose in any zone where not otherwise permitted in the county. Animals considered wild shall not be kept in any residential zone in the county

Although this subsection implies that zoning should allow livestock, it states that they should only be allowed in an appropriate zone. No such zones have been established in the Land Development Code.

Many jurisdictions consider livestock and agriculture synonymous. However, as defined in MCC §101-1, *agriculture* means mariculture, beekeeping, animal husbandry, groves and nurseries, but does not mean row crops. The definition does not directly include the keeping or livestock not related to animal husbandry.

The purpose of this amendment is to clarify where horses and other livestock may be permitted in Monroe County.

Therefore, staff recommends the following changes (deletions are ~~stricken through~~ and additions are underlined):

Sec. 130-102. Horses and Other Livestock.

(a) Definition of livestock. Livestock means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennies, burros, goats, kids, swine, and any other fur-bearing animals being raised in captivity, including those other animals recognized by the department of agriculture as being within the jurisdiction of its department.

1 (b) Keeping of livestock. Excluding horses for personal use as allowed in subsection (c), the
2 keeping of livestock may be permitted on parcels of land that have a land use (zoning)
3 district designation that allows agriculture as a permitted use and/or are designated within
4 an agricultural/aquacultural use overlay as set forth in section 130-120.

5
6 (c) Keeping of a horse for personal use. Horses may be kept on residentially developed
7 parcels of land as an accessory use if the following standards are met:

8 (1) For parcels of land containing one acre of upland or less, one or two horses may be
9 maintained thereon, provided that:

10 (i) There shall be a lawful residential dwelling unit on the same parcel of land upon
11 which the horse(s) is kept; and

12 (ii) The owner of the horse(s) shall occupy the residential dwelling unit on the same
13 parcel of land; and

14 (iii) The horse(s) shall be for personal use only. Under no circumstance shall the
15 property be used for commercial purposes, such as a commercial stable or
16 commercial riding ground; and

17 (iv) The portion of the parcel of land upon which the horse(s) is kept must be entirely
18 fenced or enclosed by an appropriate structure to contain the horse(s); and

19 (v) Any fenced areas or enclosures used for the containment of the horse(s) must be
20 at least 50 feet from any residential dwelling unit.

21 (2) For parcels of land containing over one acre of upland, an additional horse may be
22 maintained for each additional one-half (1/2) acre of land.

23 24 IV RECOMMENDATION

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26 Staff has found that the proposed text amendment would be consistent with the provisions of
27 §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public service needs) from those
28 on which the text or boundary was based; 2. Changed assumptions (e.g., regarding
29 demographic trends); 3. Data errors, including errors in mapping, vegetative types and
30 natural features described in volume I of the plan; 4. New issues; 5. Recognition of a need for
31 additional detail or comprehensiveness; or 6. Data updates. Specifically, staff has found that
32 the proposed text amendments are necessary due to a recognition of a need for additional
33 detail or comprehensiveness.

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35 Staff recommends that the Board of County Commissioners amend the Monroe County Code
36 as stated in the text of this staff report.